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MM 99-25
2828 Pacific Ave.
Hoquiam, WA 98550
February 27, 1999

FEDERAL COMMUNICATIONS COMMISSION
1919 M Street NW
Washington, DC 20554
Attn: MM Docket 99-225

DOCKET FILE COPY ORIGINAL

Dear Sir or Madam:

You have invited public comments about whether to license small FM radio stations. So here are my comments.

Congress shall make no law . . . abridging the freedom of speech, or of the press. Since the First Amendment was written, the courts have said that state governments must also respect our fundamental freedoms. Therefore, we can now update the amendment to read "The *government* shall make no law . . ."

Therefore the FCC's choice is clear, for you are duly sworn to uphold the Constitution. The first amendment is the most important part of our government's founding document; if you violate the first amendment, then you violate it all.

If there is no *technical* reason to deny a radio license (e.g., interference on conflicting frequencies), then constitutionally you must allow small FM radio stations. Doing otherwise would be "abridging the freedom of speech, or of the press" (the electronic press, that is).

There can never be valid political or economic reasons for abridging our first amendment rights. Obviously CBS and ABC are going to be screaming, "excess competition" and "political subversion" and "protect the minds of our young people" and so on ad nauseam. Certainly the rich and powerful will be applying lots of pressure to ensure that *they* retain control of *our* airwaves.

Your duty is clear: to choose what form of government we really have. Do we have a government by CBS and ABC? Or do we have a government by the people? Will we have a government that George Washington would be ashamed of? Or will you defend our Constitution? Your duty is clear.

In my humble opinion, the regulations you are considering do not go far enough. But that is because the first amendment does not go far enough. As well as saying, "The government shall make no law [or FCC regulation] abridging the

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freedom of speech, or of the press," the amendment should also say "The government shall make laws and regulations that *encourage* freedom of speech and freedom of the press."

In other words, you should not merely allow these small radio stations to exist. You should also subsidize their operation. If a station is popular with the people, then the government should do whatever is necessary to ensure that it continues – even if advertisers absolutely abhor the content of its programming.

So your regulations do not go far enough to satisfy the people. And satisfying the people – all the people, not just the powers that be – is the purpose of an ideal government, is it not?

You must not underestimate the importance of your proposed regulation. You are effectively determining what our form of government shall be.

Sincerely,

A handwritten signature in black ink, appearing to read 'STUART KIRBY WHITE' in a stylized, cursive script.

Stuart Kirby White